

Tobacco Retailer's Guide

Reducing Youth Access to Tobacco Products



The Attorney General's Program to Reduce Youth Access to Cigarettes



Office of the Attorney General
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This brochure was created as part of the Attorney General's Program to Reduce Youth Access to Cigarettes. Its purpose is to provide tobacco retailers basic information regarding the prevention of youth access to tobacco products.

The Law

Tobacco Retailer/Licensee: To sell tobacco at retail, you must obtain a license. As a licensed tobacco retailer, you are responsible for following and enforcing in your establishment laws prohibiting the sale of tobacco products to persons under the age of 18. Your license may be suspended or revoked if law enforcement or health officials find that tobacco products are being sold to minors at your establishment. You also may be subject to the criminal penalties set forth below for your own sales to minors or for sales made to minors by your sales personnel.



Clerical/Sales Personnel: It is a violation of criminal law, and in some counties also a violation of local civil law, to sell tobacco products to persons under the age of 18. Under the criminal law, you may be subject to the following penalties:

PENALTIES

- * **First offense:**
Fine of up to \$300.
- * **Second offense**
(within 2 years):
Fine of up to \$1,000.
- * **Additional offenses**
(within 2 years):
Fine of up to \$3,000.

You should check with your local law enforcement or health office to determine whether there are additional local prohibitions and fines in your county.

Hiring And Training Of Personnel

Hiring: To the greatest extent practicable, you should avoid hiring persons under the age of 18 for positions that may involve the sale of tobacco products to minors. You should express to all applicants for positions that may involve the sale of tobacco products that sales to minors are illegal and will not be tolerated by management.

Training: Before assuming any job that may involve the sale of tobacco products, every employee should receive comprehensive training on the law and company policies relating to the sale of tobacco to minors. Such training should, at a minimum, include:

- ▲ A review of State and local laws concerning the sale of tobacco to minors.
- ▲ A review of company policies regarding the sale of tobacco to minors.
- ▲ An explanation as to why the law and company policy prohibit the sale of tobacco to minors, including that:
 - * Currently, the average age a new smoker begins is 14;

- * Nicotine is addictive and some young people show signs of addiction after smoking just a few cigarettes;
 - * The younger a person is when beginning to smoke, the more likely the person will become addicted and suffer serious health consequences as a result; and
 - * More than 400,000 people die each year from tobacco-related illnesses.
- ▲ A review of the various tobacco products sold at the establishment, such as cigarettes, cigars, and smokeless tobacco.
 - ▲ An explanation of when and how to request that a customer produce identification, how to verify the authenticity of identification and how to calculate a person's age from the birthdate on the identification.
(See description of the Drop 20, Add 2 method next page.)
 - ▲ Techniques and methods for handling irate customers and customers who are friends or acquaintances.



Effective training will include some written instruction, an oral presentation and role playing in a variety of settings involving the sale of tobacco. The employees should be given the opportunity to ask questions. All employees should sign an acknowledgment that they received and understood the tobacco sales training and the law and company policies prohibiting youth sales.

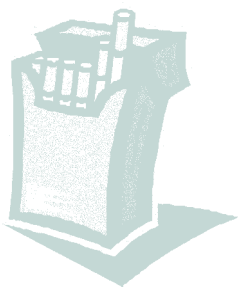
– 20 + 2

Drop 20/Add 2 Method of Determining Birthdate Cutoff:

To determine the latest birthdate a customer can have and be able to purchase tobacco products, take today's date, drop 20 years and add 2 years. For example:

- ▲ Today is May 22, 2001.
Subtract 20 years and the date is May 22, 1981.
- ▲ **Add 2 years** and the date is May 22, 1983.
- ▲ A customer must have been born on or before May 22, 1983 to purchase tobacco products.

Although an age calculator or calendar with the pre-printed “on or before” date is easier for a clerk to use, and provides external support to the clerk when denying a sale, the Add 20, Drop 2 method uses basic math and, if practiced, can become second nature.



Authenticity of Identification:

Employees should be familiar with the various forms of acceptable identification.

- ▲ The Maryland Driver's License and the Maryland Identification Card carry a birthdate in the center of the card. A hologram of the Motor Vehicle Administrator's signature appears in the middle of the card and would be defaced if the date had been altered.
- ▲ Both the Driver's License and Identification Card for persons under 21 years bear a profile, rather than head-on, photograph, that should capture the attention of a clerk to closely examine the birthdate.

- ▲ Other acceptable forms of identification include:
 - * **military identification**
(birthdate in year/month/day format on upper left corner of back of card);
 - * **passports** (birthdate in center to right of photograph) and
 - * **college identification**
Forms of college identification vary; you should work with local colleges to learn what their valid identification looks like.
- ▲ Identification that does not contain a birthdate is never acceptable for age verification.

Support Tools

Cash Register Locks: If feasible, tobacco sales should be made using cash registers that stop the sale when tobacco is scanned and prompt the sales clerk to verify that the customer is 18 years or older.

Age Calculators/Calendar: An age calculator or calendar should be located at each register. Calculators that determine the customer's age based on the birthdate entered by the clerk are available. Also available are simple paper calendars that provide a daily reminder of the latest birthdate for which a sale may be made, i.e. "Customer must

have been born on or before MONTH/DAY/YEAR to purchase tobacco products."

Signage: Signage at the register, the location of tobacco products as well as at entrances may also be used. These signs should carry messages such as:



"You must be 18 to purchase tobacco products;"
"We ask for i.d. on tobacco sales;"
"It is illegal for us to sell tobacco to persons under 18."

Monitoring

Internal: To the extent feasible, managers should monitor tobacco sales. Random monitoring, with appropriate feedback to the employees, will demonstrate your commitment to eliminate youth access to tobacco. If possible, video surveillance camera film should be randomly inspected to determine whether tobacco sales are being handled properly.

External: Consider hiring a firm to conduct random tobacco purchases to determine your employees' compliance with your store policies.

Self-Service Tobacco Products

It is most effective to store and display all tobacco products, at the very least cigarettes, in a manner that requires a customer to request sales clerk assistance in purchasing the product. This means your store should have no self-service tobacco product displays.

Company Policies

Your company should prepare a written policy on the sale of tobacco products. This written policy should be provided to all current and new employees. Such a policy should contain, at a minimum:

- ▲ A policy that no one under the age of 18 is permitted to purchase tobacco products.
- ▲ A policy requiring that all employees receive training on preventing youth access to tobacco.
- ▲ A policy that employees be reprimanded for making tobacco sales to minors and a progressive discipline system that would result in termination of an employee who continues to sell tobacco to minors.

- ▲ A policy prohibiting self-service tobacco product displays, the sale of single cigarettes and free give-away/samples of tobacco products.
- ▲ A policy that employees must check the identification of any one appearing to be under the age of 27 (the former FDA standard that many stores continue to employ).

Enforcement

Laws prohibiting the sale of tobacco products to persons under 18 may be enforced by a variety of public offices. Local police and prosecutors may pursue criminal violations. The Attorney General and the Comptroller may pursue administrative and regulatory actions. Local health officials and County Attorneys may bring action for violations of local ordinances.

More Information

If you have questions about this brochure or would like to receive a copy, please write to the Office of the Attorney General of Maryland, 200 Saint Paul Place, Baltimore, MD 21202, or call 410-576-7937 or toll-free 1-866-298-8245; or e-mail to: nosmoke@oag.state.md.us



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